

# Notice of Allowability

Application No.

10/536,760

Examiner

Russell Frejd

Applicant(s)

ALTPETER ET AL.

Art Unit

2128

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received 11 May 2007.
2. ☒ The allowed claim(s) is/are 15-30.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Russell Frejd*  
**RUSSELL FREJD**  
**PRIMARY EXAMINER**

**In re Application of: Altpeter et al.**

***Allowance of Application # 10/536,760***

1. The following communication is in response to applicant's amendment received 11-May-2007. Claims 15-30 are pending in the application. Claims 1-14 were previously canceled.

***Reasons for Allowance***

3. The following is an Examiner's Statement of Reasons for the indication of allowable subject matter.

3.1 The instant application is directed to a non-obvious improvement over the invention described in USP 5,903,453, issued to Stoddard II, which teaches a method for estimating software operation and performance in terms of measures such as software reliability, using a goal/question/metric paradigm that stores the goal/question/metric to nodes in a tree-structured memory, wherein probabilities and percentage contributions are used to determine an action plan to use during development of the software.

3.2 The improvement of the present invention comprises, in various embodiments, a method for analyzing and/or changing, i.e. "designing", a technical system, and in particular, analyzing and changing the measurements made in the technical system. The technical system is specified by a system of equations, whereby the state variables are the solution of the system of equations. A measurement 'park', comprised of first measured variables measured in a prescribed precision, is incorporated into the design of the technical system. Using first and second sensitivity variables determined for first and second measured variables, a determination is made of the extent to which a change in the accuracy of the measurement of the measured variables influences at least one selected parameter. The measurement park is then amended,

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depending on the sensitivity variables, so that the accuracy of one or more of the measured variables is changed, and/or one or more of the first measured variables is taken out of the measurement park, and/or one or more of the second measured variables is added into the measurement park. This amended measurement park is then used for designing the technical system. This patentable distinction is included in each of the independent claims, nos. 15 and 27.

**3.3** The art of record, either individually or in combination, fails to teach, suggest, or render obvious the method for designing a technical system through the amendment of a "measurement park", having the corresponding structure which is disclosed in the specification and equivalents thereof at least at page 9, section [0033] through page 14, section [0079], and Figures 1-2. In view of the foregoing, the claims of the present application are found to be patentable over the prior art.

### ***Response Guidelines***

**4.** Any comments considered necessary by applicant **MUST** be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should clearly be labeled "Comments on Statement of Reasons for Allowance".

**4.1 Any response to the Examiner in regard to this allowance should be**

**directed to:** Russell Frejd, telephone number (571) 272-3779, Monday-Friday from 0530 to 1400 ET, or the examiner's supervisor, Kamini Shah, telephone number (571) 272-2279. Inquires of a general nature or relating to the status of this application should be directed to the TC2100 Group Receptionist (571) 272-2100.

**mailed to:** Commissioner of Patents and Trademarks  
P.O. Box 1450, Alexandria, VA 22313-1450

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**or faxed to: (571) 273-8300**

*Hand-delivered responses should be brought to the Customer Service Window, Randolph Building, 401  
Dulany Street, Alexandria, VA, 22314.*

**Date: 11-June-2007**

RUSSELL FREJD

**RUSSELL FREJD  
PRIMARY EXAMINER**